

**UTILITY DECLARATION  
AND POWER OF ATTORNEY**  
Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **TREATMENT AND DIAGNOSIS OF CANCER** the specification of which

(Check One) ☐ is attached hereto OR  
☒ was filed on July 17, 1997 as United States Application Serial No. 08/895,914 or PCT International Application No. \_\_\_\_\_ and was amended on February 29, 2000 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign<br>Application Number(s) | Country | Date of Filing | Priority Claimed |    |
|--|---------|----------------|------------------|----|
|  |         |                | Yes              | No |
|  |         |                |                  |    |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date   |
|-----------------------|---------------|
| 60/022,125            | July 18, 1996 |
| 60/016,976            | May 6, 1996   |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent<br>Application Number | PCT Parent Number | Parent Filing Date | Status-Patented,<br>Pending or<br>Abandoned |
|-----------------------------------|-------------------|--------------------|---|
| 08/838,682                        |                   | April 9, 1997      | Pending/<br>(Allowed 12/21/99)              |

EXPRESS MAIL  
EL360933802US  
ATTY. DKT. 266/186

Lyon & Lyon LLP  
Docket Information  
242/027  
(19603/1173)

POWER OF ATTORNEY: As a named inventor, I hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified invention application, all of the registered practioners identified by Customer Number 22249:



22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Please send all correspondence to the attention of Lois M. Kwasigroch, Esq., and direct all telephone calls to (213) 489-1600, extension 3378.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |                         |                    |                                      |                              |                               |
|---|-------------------------|--------------------|--------------------------------------|------------------------------|-------------------------------|
| 201   | FULL NAME OF INVENTOR   | FIRST Name<br>Neil | MIDDLE Initial<br>H.                 | LAST Name<br>Bander          |                               |
|   | RESIDENCE & CITIZENSHIP | City<br>Chappaqua  | State or Foreign Country<br>New York |                              | Country of Citizenship<br>USA |
|   | POST OFFICE ADDRESS     | 2 Hemlock Hills    | City<br>Chappaqua                    | State or Country<br>New York | Zip Code<br>10514             |
| INVENTOR'S SIGNATURE <u>W Bander</u> DATE <u>3/8/00</u> |                         |                    |                                      |                              |                               |

|                                       |                         |            |                          |                  |                        |
|---------------------------------------|-------------------------|------------|--------------------------|------------------|------------------------|
| 202                                   | FULL NAME OF INVENTOR   | FIRST Name | MIDDLE Initial           | LAST Name        |                        |
|                                       | RESIDENCE & CITIZENSHIP | City       | State or Foreign Country |                  | Country of Citizenship |
|                                       | POST OFFICE ADDRESS     |            | City                     | State or Country | Zip Code               |
| INVENTOR'S SIGNATURE _____ DATE _____ |                         |            |                          |                  |                        |

|                                       |                         |            |                          |                  |                        |
|---------------------------------------|-------------------------|------------|--------------------------|------------------|------------------------|
| 203                                   | FULL NAME OF INVENTOR   | FIRST Name | MIDDLE Initial           | LAST Name        |                        |
|                                       | RESIDENCE & CITIZENSHIP | City       | State or Foreign Country |                  | Country of Citizenship |
|                                       | POST OFFICE ADDRESS     |            | City                     | State or Country | Zip Code               |
| INVENTOR'S SIGNATURE _____ DATE _____ |                         |            |                          |                  |                        |

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|---------------------------------------|-------------------------|------------|--------------------------|------------------------|----------|
| 204                                   | FULL NAME OF INVENTOR   | FIRST Name | MIDDLE Initial           | LAST Name              |          |
|                                       | RESIDENCE & CITIZENSHIP | City       | State or Foreign Country | Country of Citizenship |          |
|                                       | POST OFFICE ADDRESS     |            | City                     | State or Country       | Zip Code |
| INVENTOR'S SIGNATURE _____ DATE _____ |                         |            |                          |                        |          |

|                                       |                         |            |                          |                        |          |
|---------------------------------------|-------------------------|------------|--------------------------|------------------------|----------|
| 205                                   | FULL NAME OF INVENTOR   | FIRST Name | MIDDLE Initial           | LAST Name              |          |
|                                       | RESIDENCE & CITIZENSHIP | City       | State or Foreign Country | Country of Citizenship |          |
|                                       | POST OFFICE ADDRESS     |            | City                     | State or Country       | Zip Code |
| INVENTOR'S SIGNATURE _____ DATE _____ |                         |            |                          |                        |          |

|                                       |                         |            |                          |                        |          |
|---------------------------------------|-------------------------|------------|--------------------------|------------------------|----------|
| 206                                   | FULL NAME OF INVENTOR   | FIRST Name | MIDDLE Initial           | LAST Name              |          |
|                                       | RESIDENCE & CITIZENSHIP | City       | State or Foreign Country | Country of Citizenship |          |
|                                       | POST OFFICE ADDRESS     |            | City                     | State or Country       | Zip Code |
| INVENTOR'S SIGNATURE _____ DATE _____ |                         |            |                          |                        |          |

# ASSIGNMENT

Docket 242/028  
EXPRESS MAIL  
EL360933802US  
ATTY. DKT. 266/186

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, (I ~~we~~) the undersigned, Neil H. Bander

Hereby sell, assign and transfer to:

**CORNELL RESEARCH FOUNDATION, INC.**

a corporation of The State of New York, having a place of business at Cornell Business & Technology Park, 20 Thornwood Drive, Suite 105, Ithaca, New York, 14850 its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/895,914, filed July 17 1997, entitled

## TREATMENT AND DIAGNOSIS OF CANCER

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements;

Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements, execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date

9/22/97

Neil H. Bander

(L.S.)

Date

\_\_\_\_\_

(L.S.)

Date

\_\_\_\_\_

(L.S.)